

AMENDED IN ASSEMBLY MARCH 28, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2438

Introduced by Assembly Member Lowenthal

February 21, 2014

An act to amend Section ~~34501~~ 12804.11 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 2438, as amended, Lowenthal. ~~Commercial motor vehicles: safe operation.~~ *Vehicles: firefighter endorsements.*

Existing law provides that in order to operate firefighting equipment, a driver is required to (1) obtain and maintain a firefighter endorsement issued by the Department of Motor Vehicles and obtain and maintain a restricted class A license, a noncommercial class B license, or a class C license, as specified, or (2) obtain and maintain a class A or B license, as specified, for the size and configuration of the firefighting equipment operated. To qualify for a firefighter endorsement, existing law requires a driver to provide to the Department of Motor Vehicles proof of current employment as a firefighter or volunteer firefighter and evidence of fire equipment operation training that includes directly supervised behind-the-wheel driver training.

Existing law requires a person conducting the driver training described above to be registered with the Office of the State Fire Marshal or to meet certain other requirements. Among those other requirements, existing law requires the person to possess a minimum of 5 years of fire service experience as an emergency vehicle operator, as specified, and to possess a valid class A or B license or a class A or B license restricted to the operation of firefighting equipment.

This bill would revise the licensing requirement described above for a person who conducts driver training to include a person who possesses a class C license with a firefighter endorsement.

~~Existing law requires the Department of the California Highway Patrol to adopt reasonable rules and regulations that, in the judgment of the department, are designed to promote the safe operation of specified commercial vehicles, regarding, among other things, inspection and maintenance of vehicles.~~

~~This bill would make technical, nonsubstantive changes to these provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 12804.11 of the Vehicle Code is amended*
2 *to read:*
3 12804.11. (a) To operate firefighting equipment, a driver,
4 including a tiller operator, is required to do either of the following:
5 (1) Obtain and maintain a firefighter endorsement issued by the
6 department and obtain and maintain a class C license as described
7 in Section 12804.9, a restricted class A license as described in
8 Section 12804.12, or a noncommercial class B license as described
9 in Section 12804.10.
10 (2) Obtain and maintain a class A or B license as described in
11 Section 12804.9 and, as appropriate, for the size and configuration
12 of the firefighting equipment operated.
13 (b) To qualify for a firefighter endorsement the driver shall do
14 all of the following:
15 (1) (A) Provide to the department proof of current employment
16 as a firefighter or registration as a volunteer firefighter with a fire
17 department and evidence of fire equipment operation training by
18 providing a letter or other indication from the chief of the fire
19 department or his or her designee.
20 (B) For purposes of this section, evidence of fire equipment
21 operation training means the applicant has successfully completed
22 Fire Apparatus Driver/Operator 1A taught by an instructor
23 registered with the Office of the State Fire Marshal or fire
24 department driver training that meets all of the following
25 requirements:

1 (i) Meets or exceeds the standards outlined in NFPA 1002,
2 Chapter 4 (2008 version) or the Fire Apparatus Driver/Operator
3 1A course adopted by the Office of the State Fire Marshal.

4 (ii) Prepares the applicant to safely operate the department's
5 fire equipment that the applicant will be authorized to operate.

6 (iii) Includes a classroom (cognitive) portion of at least 16 hours.

7 (iv) Includes a manipulative portion of at least 14 hours, which
8 includes directly supervised behind-the-wheel driver training.

9 (C) Driver training shall be conducted by a person who is
10 registered with the Office of the State Fire Marshal to instruct a
11 Fire Apparatus Driver/Operator 1A course or a person who meets
12 all of the following criteria:

13 (i) Possesses a minimum of five years of fire service experience
14 as an emergency vehicle operator, three of which must be at the
15 rank of engineer or higher.

16 (ii) Possesses a valid California class A or B license or a class
17 A or B license restricted to the operation of firefighting equipment
18 *or a class C license with a firefighter endorsement.*

19 (iii) Is certified as a qualified training instructor or training
20 officer by the State of California, the federal government, or a
21 county training officers' association.

22 (2) Pass the written firefighter examination developed by the
23 department with the cooperation of the Office of the State Fire
24 Marshal.

25 (3) Upon application and every two years thereafter, submit
26 medical information on a form approved by the department.

27 (c) There shall be no additional charge for adding a firefighter
28 endorsement to an original license or when renewing a license. To
29 add a firefighter endorsement to an existing license when not
30 renewing the license, the applicant shall pay the fee for a duplicate
31 license pursuant to Section 14901.

32 (d) (1) A driver of firefighting equipment is subject to the
33 requirements of subdivision (a) if both of the following conditions
34 exist:

35 (A) The equipment is operated by a person employed as a
36 firefighter by a federal or state agency, by a regularly organized
37 fire department of a city, county, city and county, or district, or by
38 a tribal fire department or registered as a volunteer member of a
39 regularly organized fire department having official recognition of

1 the city, county, city and county, or district in which the department
2 is located, or of a tribal fire department.

3 (B) The motor vehicle is used to travel to and from the scene
4 of an emergency situation, or to transport equipment used in the
5 control of an emergency situation, and which is owned, leased, or
6 rented by, or under the exclusive control of, a federal or state
7 agency, a regularly organized fire department of a city, county,
8 city and county, or district, a volunteer fire department having
9 official recognition of the city, county, city and county, or district
10 in which the department is located, or a tribal fire department.

11 (2) A driver of firefighting equipment is not required to obtain
12 and maintain a firefighter endorsement pursuant to paragraph (1)
13 of subdivision (a) if the driver is operating the firefighting
14 equipment for training purposes, during a nonemergency, while
15 under the direct supervision of a fire department employee who is
16 properly licensed to operate the equipment and is authorized by
17 the fire department to provide training.

18 (e) For purposes of this section, a tiller operator is the driver of
19 the rear free-axle portion of a ladder truck.

20 (f) For purposes of this section, “firefighting equipment” means
21 a motor vehicle, that meets the definition of a class A or class B
22 vehicle described in subdivision (b) of Section 12804.9, that is
23 used to travel to and from the scene of an emergency situation, or
24 to transport equipment used in the control of an emergency
25 situation, and that is owned, leased, or rented by, or under the
26 exclusive control of, a federal or state agency, a regularly organized
27 fire department of a city, county, city and county, or district, or a
28 volunteer fire department having official recognition of the city,
29 county, city and county, or district in which the department is
30 located.

31 (g) Notwithstanding paragraph (1) of subdivision (a), a regularly
32 organized fire department, having official recognition of the city,
33 county, city and county, or district in which the department is
34 located, may require an employee or a volunteer of the fire
35 department who is a driver or operator of firefighting equipment
36 to hold a class A or B license.

37 (h) This section applies to a person hired by a fire department,
38 or to a person renewing a driver’s license, on or after January 1,
39 2011.

1 SECTION 1. ~~Section 34501 of the Vehicle Code is amended to~~
2 ~~read:~~

3 ~~34501. (a) (1) (A) The department shall adopt reasonable~~
4 ~~rules and regulations that, in the judgment of the department, are~~
5 ~~designed to promote the safe operation of the vehicles described~~
6 ~~in Section 34500, regarding, but not limited to, controlled~~
7 ~~substances and alcohol testing of drivers by motor carriers, hours~~
8 ~~of service of drivers, equipment, fuel containers, fueling operations,~~
9 ~~inspection, maintenance, recordkeeping, accident reports, and~~
10 ~~drawbridges. The rules and regulations shall not be applicable to~~
11 ~~schoolbuses, which shall be subject to rules and regulations adopted~~
12 ~~pursuant to Section 34501.5.~~

13 ~~(B) The rules and regulations shall exempt local law~~
14 ~~enforcement agencies, within a single county, engaged in the~~
15 ~~transportation of inmates or prisoners when those agencies maintain~~
16 ~~other motor vehicle operations records that furnish hours of service~~
17 ~~information on drivers who are in substantial compliance with the~~
18 ~~rules and regulations. This exemption does not apply to a local~~
19 ~~law enforcement agency engaged in the transportation of inmates~~
20 ~~or prisoners outside the county in which the agency is located if~~
21 ~~that agency would otherwise be required, by existing law, to~~
22 ~~maintain driving logs.~~

23 ~~(2) The department may adopt rules and regulations relating to~~
24 ~~commercial vehicle safety inspection and out-of-service criteria.~~
25 ~~In adopting the rules and regulations, the commissioner may~~
26 ~~consider the commercial vehicle safety inspection and~~
27 ~~out-of-service criteria adopted by organizations such as the~~
28 ~~Commercial Vehicle Safety Alliance, other intergovernmental~~
29 ~~safety group, or the United States Department of Transportation.~~
30 ~~The commissioner may provide departmental representatives to~~
31 ~~that alliance or other organization for the purpose of promoting~~
32 ~~the continued improvement and refinement of compatible~~
33 ~~nationwide commercial vehicle safety inspection and out-of-service~~
34 ~~criteria.~~

35 ~~(3) The commissioner shall appoint a committee of 15 members,~~
36 ~~consisting of representatives of industry subject to the regulations~~
37 ~~to be adopted pursuant to this section, to act in an advisory capacity~~
38 ~~to the department, and the department shall cooperate and confer~~
39 ~~with the advisory committee so appointed. The commissioner shall~~
40 ~~appoint a separate committee to advise the department on rules~~

1 and regulations concerning wheelchair lifts for installation and use
2 on buses, consisting of persons who use the wheelchair lifts,
3 representatives of transit districts, representatives of designers or
4 manufacturers of wheelchairs and wheelchair lifts, and
5 representatives of the Department of Transportation.

6 (4) The department may inspect any vehicles in maintenance
7 facilities or terminals, as well as any records relating to the dispatch
8 of vehicles or drivers and the pay of drivers, to assure compliance
9 with this code and regulations adopted pursuant to this section.

10 (b) The department, using the definitions adopted pursuant to
11 Section 2402.7, shall adopt regulations for the transportation of
12 hazardous materials in this state, except the transportation of
13 materials that are subject to other provisions of this code, that the
14 department determines are reasonably necessary to ensure the
15 safety of persons and property using the highways. The regulations
16 may include provisions governing the filling, marking, packing,
17 labeling, and assembly of, and containers that may be used for,
18 hazardous materials shipments, and the manner by which the
19 shipper attests that the shipments are correctly identified and in
20 proper condition for transport.

21 (c) At least once every 13 months, the department shall inspect
22 every maintenance facility or terminal of any person who at any
23 time operates any bus. If the bus operation includes more than 100
24 buses, the inspection shall be without prior notice.

25 (d) The commissioner shall adopt and enforce regulations that
26 will make the public or private users of any bus aware of the
27 operator's last safety rating.

28 (e) It is unlawful and constitutes a misdemeanor for a person to
29 operate any bus without the inspection specified in subdivision (c)
30 having been conducted.

31 (f) The department may adopt regulations restricting or
32 prohibiting the movement of any vehicle from a maintenance
33 facility or terminal if the vehicle is found in violation of this code
34 or regulations adopted pursuant to this section.